

CITY OF BATTLE CREEK
COMMUNITY SERVICES DEPARTMENT – PLANNING and ZONING

SPECIAL MEETING AGENDA
PLANNING COMMISSION

Date: Tuesday, January 7, 2020
Time: 4:00 P.M.
Place: City Commission Chambers
Room 301, City Hall

- 1. Call to Order**
- 2. Attendance**
- 3. Additions or Deletions to the Agenda**
- 4. Approval of Minutes – November 20, 2019 meeting minutes**
- 5. Correspondence**
- 6. Public Hearings/Deliberations:**
 - A. Special Use Permit Petition Z-03-19:** Request for rezoning of parcels at the intersection of Bidwell and Foster Streets, including 85, 86, 94 W. Bidwell, and Parcel #8260.00.061.0 (formerly 77/79 Bidwell), and 8260.00.057.0 (formerly 93 W. Bidwell) from the C-3 Intensive Business District to the R-1C Single Family Residential District.
- 7. Old Business**
- 8. New Business**
- 9. Comments by the Public**
- 10. Comments by the Staff and Commission Members**
- 11. Adjournment**

Respectfully Submitted,
Christine M. Zuzga, AICP
Executive Secretary, Planning Commission

**BATTLE CREEK PLANNING COMMISSION
MEETING MINUTES
Wednesday, November 21, 2019**

1. **Call to Order:** Chairperson Buscher called Meeting to order at 4:00.

2. **Attendance:**

Members Present:

Jim Hopkins	Robert Whitfield
John Stetler	Joe Soberalski
John Godfrey	Cody Newman
Daniel Buscher	

Members Excused:

Lynn Ward Gray	Susan Baldwin
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Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Marcel Stoetzel, Deputy City Attorney
Glenn Perian, Senior Planner, Planning Dept.
Eric Feldt, Planner
Michele K. Jayakar, Customer Service, Planning Dept.

3. **Additions or Deletions to the Agenda:** NONE

4. **Approval of Minutes:** Meeting Minutes August 28, 2019

MOTION WAS MADE BY COMMISSIONER GODFREY AND SUPPORTED BY COMMISSIONER NEWMAN, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR AUGUST 28, 2019. ALL IN FAVOR 7-0, NONE OPPOSED.

5. **Correspondence:**

CSR Jayakar informed the Planning Commission that planning staff received eleven letters for S-03-19, three of which are opposed and eight in support of the group daycare request by Karin Wallace at 174 Buckley. Copies of the letters were provided to all Commissioners.

6. **Public Hearings and Deliberation/Recommendations:**

A: #S-02-19: Petition from John M. Sullivan, 1640 S. Parma, MI 49269. Requesting Special Use Permit to allow a tattoo/piercing shop in C3 Intensive Business Districts. Property is located at 1950 W. Columbia Ave., Suite F, Battle Creek, MI 490105, Parcel # 9960-32-191-0.

Chairperson Buscher opened the public hearing and asked if anyone in the audience wanted to speak.

No public comments.

Comments by the Staff and Commission Members:

Planning Manager Christine Zuzga gave the staff report. Chairperson Buscher closed the public hearing.

A MOTION WAS MADE BY COMMISSIONER GODFREY, SECONDED BY COMMISSIONER WHITFIELD TO APPROVE #S-02-19 TO ALLOW A TATTOO/PIERCING SHOP IN A C3 INTENSIVE BUSINESS DISTRICT AT 1950 W. COLUMBIA AVENUE, STE F. BASED ON THE FINDING OUTLINED IN THE STAFF REPORT. ALL IN FAVOR, 7-0, NONE OPPOSED.

B: #S-03-19: Petition from Karin Wallace, 174 Buckley Ln., Battle Creek, MI 49015. Requesting Special Use Permit to allow a licensed group home and family childcare for 7-12 children in a R1B Single Family Residential District.

Chairperson Buscher opened the hearing and asked if anyone in the audience wanted to speak.

Karin Wallace of 174 Buckley states she has been in childcare for 15 years. She brought in letters of approval from her direct neighbors as well as the neighbor across the street. She believes it will be an improvement to her neighbors.

Ann Maddox of Deer Path Lane states she would like to know how she received a Public Hearing notice however; her neighbors did not. She had questions regarding the traffic and number of children. That a second employee would mean 2 adults and 12 children, increasing traffic. She also inquired if the City or Health Department approved first.

Comments by the Staff and Commission Members:

Christine Zuzga, Planning Manager provided an overview of the project, the process, and the public hearing notice requirements.

After discussion regarding the property, how it was situated, and traffic on the cul-del-sac, **A MOTION WAS MADE BY COMMISSIONER GODFREY AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE #S-03-19 TO ALLOW A GROUP CHILDCARE HOME FOR 7 TO 12 CHILDREN IN A R1B SINGLE FAMILY RESIDENTIAL DISTRICT AT 174 BUCKLEY LANE BASED ON THE FINDING OUTLINED IN THE STAFF REPORT. ALL IN FAVOR, 7-0, MOTION CARRIED.**

New Business:

A-02-19, ordinance revision on Adult Use (Recreational) Marihuana Facilities: Review and approval revisions to 1299.03(a) Marihuana Facilities and Establishments that provides alternative development standards for marihuana growing facilities and establishments.

Christine Zuzga, Planning Manager states she has had meetings with Chief Blocker of BCPD as well as Fire Chief Sturdivant who are both concerned with the explosives aspect to producing marihuana, and that staff is still in the process of researching options for the masonry wall requirement that address those concerns.

Commissioner Soberalski states that other industrial uses that may use hazardous materials do not have a masonry wall restrictions and uses should be treated equitably. Commissioner Newman stated there are other, less expensive, options that could address the building and fire safety concerns.

Capital Improvement Plan (CIP) 2021-2026:

Christine Zuzga, Planning Manager states the CIP needs two Planning Commissioners to volunteer their time for the peer review committee. The meetings are usually an hour or so twice a year. John Godfrey encourages a commissioner who has not yet volunteered to do so.

Chairperson Buscher asked if there were any other questions or comments.

Christine Zuzga, Planning Manager, up for discussion are four properties located at Bidwell and Foster St. that are currently zoned commercial in a Residential neighborhood. The request will be on an upcoming Planning Commission meeting.

Glenn Perian, Senior Planner, states the Zoning Ordinance and Map Amendment (ZOMA) is still in the works. In October there was a 3 day charrette; although, there wasn't as much public participation as they would have liked. December 19th is the next meeting. The consultants are working on the map and reorganizing the ordinance with updated terms and uses.

Adjournment: Chairperson Daniel Buscher adjourned today's meeting. All in favor, meeting adjourned at 4:27 P.M.

Respectfully Submitted: Christine Zuzga, Planning Manager, Planning Dept.



Battle Creek City Planning Commission

Staff report for the January 7, 2020 special meeting

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

Subject: Petition Z-03-19, request for rezoning of parcels at the intersection of Bidwell and Foster Streets, including 85, 86, 94 W. Bidwell, and Parcel #8260.00.061.0 (formerly 77/79 Bidwell), and 8260.00.057.0 (formerly 93 W. Bidwell) from the C-3 Intensive Business District to the R-1C Single Family Residential District.

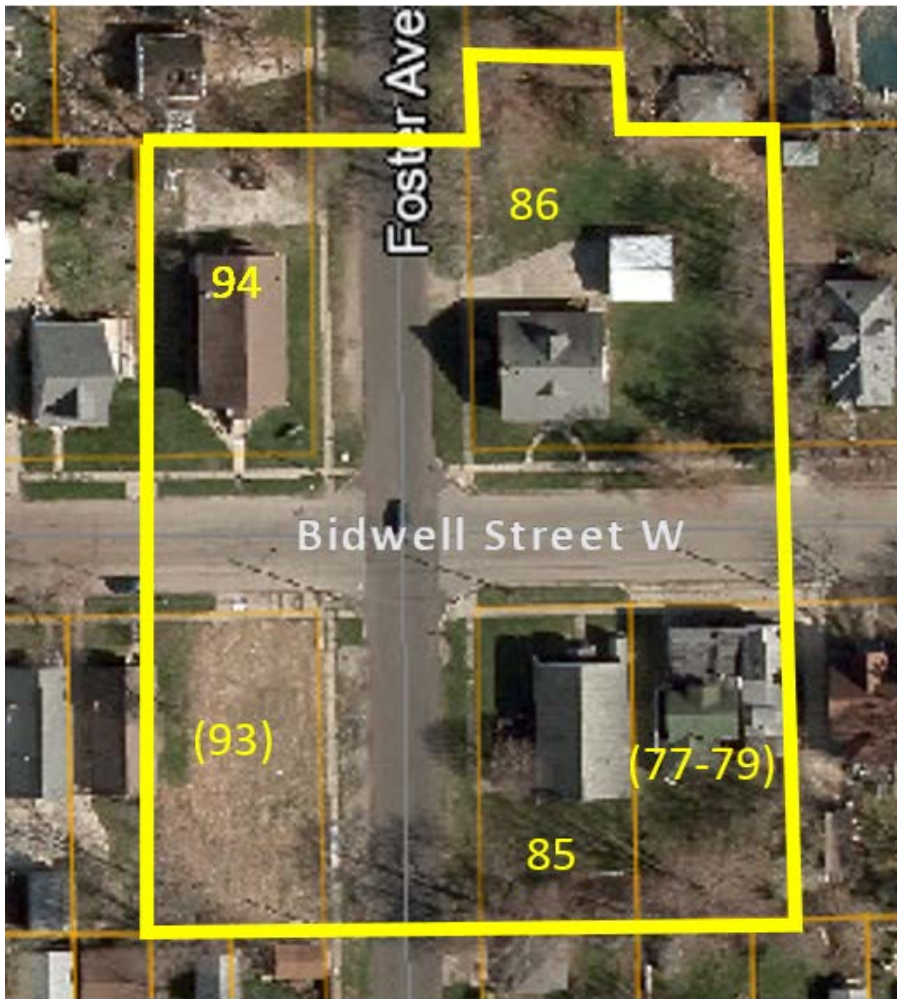
Summary

Petition from the City of Battle Creek requesting a rezoning of parcels at the intersection of Bidwell and Foster Streets from the C-3 Intensive Business District to the R-1C Single Family Residential District.

Background/Property Information

The subject sites include five parcels located at the intersection of Bidwell and Foster Streets, two blocks north of W. Territorial and two blocks west of Capital Avenue S.W.





Details regarding the use of each parcel are as follows, listed from North, to East, to South, to West:

Address / (Former Address)	Parcel Size	Historical Use	Current Use
94 W Bidwell	72' x 132'	Church	Church
86 W. Bidwell	130' x 132'	Home	Home
(93 W. Bidwell)	72' x 132'	Commercial	Vacant, demo'd in 2014
85 W. Bidwell	65' x 132'	Church	Church
(77-79 W. Bidwell)	65' x 132'	Commercial	Vacant, demo'd in 2016

Below is a Google Street View from 2012 showing the two churches, which remain, as well as the two commercial buildings which have been demolished in the past five years.



Remaining at the four corners are the two church buildings and one home.



Applicable Zoning Ordinance Provision

All parcels are zoned C-3 Intensive Business District; surrounded by a large R-1C Single Family Residential neighborhood. Historical zoning maps show that these properties have historically been commercially zoned since the City adopted a zoning ordinance in 1924.

The City of Battle Creek zoning ordinance was crafted using a pyramidal structure, where specific uses permitted in a less intensive zoning district may also be permitted in a more intensive zoning district. For example, C-1 Neighborhood Commercial district has a list of permitted uses, but also provides that any use within the O-1 Office district is permitted. C-2 General Commercial permits all uses in the C-1 Neighborhood Commercial district, and also subsequently those permitted in O-1 Office district.

The purpose of the C-3 Intensive District:

1264.02 PURPOSE.

The C-3 Intensive Business District is intended to accommodate those business activities that typically generate large volumes of motor vehicle traffic, that require large areas of off-street parking, that produce, in varying amounts, noise, glare, odors, dust, hazards and that are potential obstacles to an efficient and convenient general business district.

In accordance with the purpose statement, uses allowed in the O-1, C-1, and C-2 districts, including retail, office, restaurant, marihuana provisioning centers, and service businesses, are permitted by right in this district, as are the following uses:

C-3 Intensive Business District 1264.03 PERMITTED USES.

In a C-3 Intensive Business District, a building or premises shall be used only for the following purposes:

- (a) Any use permitted in the C-2 General Business District;
- (b) Any retail business;
- (c) Motor vehicle, trailer and boat display, sales and rental, provided that the space used therefor is paved and adequately maintained so as to provide a durable, smooth and dust-free surface, and is so graded and provided with adequate drainage facilities so that all collected surface water is effectively carried away from the site;
- (d) Motor vehicle repairing, in which all storage of vehicles, as well as all activities, are conducted within a permanent, fully enclosed building;
- (e) Drive-in businesses, excluding drive-in theaters, where service may be in automobiles or outdoors, but with all other activities carried on within a building;
- (f) Second hand stores;
- (g) Freezer lockers for retail business only;
- (h) State Licensed Medical Marihuana Secure Transporters and Safety Compliance Facilities with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana where located at least 1,000 feet away from properties, as measured between nearest property lines, containing any of the following uses:
 - (1) Religious assembly uses;
 - (2) Private or public schools;
 - (3) Public parks;
 - (4) Libraries open to the public;
 - (5) Any property with a residential use; and
 - (6) Any Residential ('R') zoned property.

Master Plan

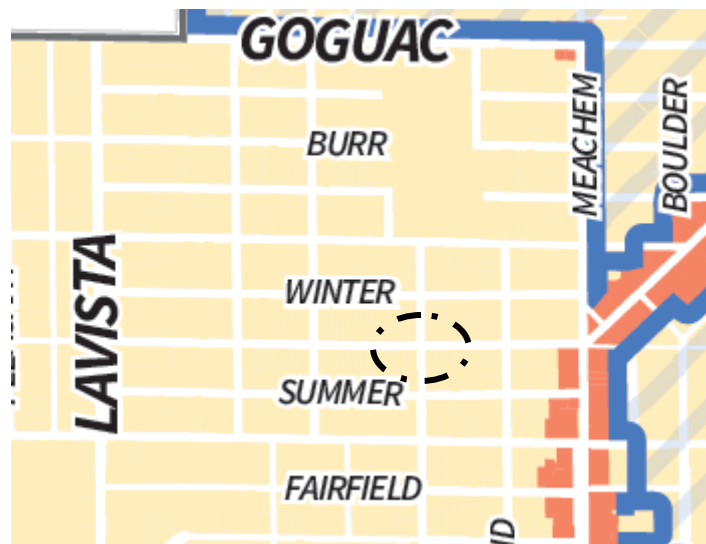
The Planning Enabling Act of 2008 requires a master plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.”

The master plan focuses on desired land use patterns for typically a twenty year time frame, and the enabling legislation and case law require that zoning be based upon this master plan. To this end, the City of Battle Creek, in its Master Plan that was adopted in 2018, lists the following goals that are applicable to this request:

Goal 2 : Reposition land uses to reflect the anticipated needs of the community’ adjust current land use regulations to match Battle Creek’s changing character and community needs.

Goal 3 : Promote reinvestment in Battle Creek’s established neighborhoods; encourage increased residential development and rehabilitation in Battle Creek’s traditional neighborhoods to revitalize declining areas.

Additionally, the Future Land Use map (page 56) in the Master Plan designates this parcel as Traditional Neighborhood. Appropriate “Land Uses and Activities” for the Traditional Neighborhood place type include single family residential homes.



Therefore, the request to rezone these parcels to R-1C Single Family Residential, is consistent with the goals, objectives, and future land use plan of the 2018 Master Plan.

Request for Rezoning

As discussed with the master plan update, and in subsequent Planning Commission meetings, the Planning Division is working on an update to the zoning ordinance and City zoning map that will bring both into compliance with the new plan and additionally correct a multitude of zoning issues throughout the City.

Because of the limited size of these parcels and the current intensive commercial district, these parcels are slated to be changed with the overall zoning map update. Property availability in the neighborhood and concerns for reuse prompted the Neighborhood Planning Council to request the City to initiate the rezoning prior to the overall map update. Their email request is attached to this report.

Public Hearing and Notice Requirements

This request was initially scheduled for the December 18th Planning Commission meeting, and was published and notices mailed pursuant to the Zoning Enabling Act of 2006, as amended. Due to the President and Vice-President visit to Battle Creek, the Planning Commission meeting was postponed, and notices of the postponement were mailed to property owners and occupants within 300’.

Once the new meeting date was scheduled, a public hearing notice was published in the Battle Creek Enquirer on Thursday, December 23, 2019 and notices of the public hearing were again also sent by regular mail to all owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has received phone calls from numerous neighbors who are in support of the rezoning. Planning Manager Zuzga has also had conversations with the representative from the Living Word Church located at 94 W. Bidwell. The church is for sale and they wanted to understand how the rezoning would affect their ability to sell the building.

Neighborhood Outreach

This parcel is located in Neighborhood Planning Council #3, and the request was submitted to the City by this group.

Analysis and Recommendation

As this is a rezoning request, consideration should be given to the existing zoning district and the potential effect on the neighborhood, the proposed uses allowed by the new zoning as it relates to the surrounding zoning and land uses, existing infrastructure, and most importantly consistency with the Comprehensive Plan. Staff findings include:

- The Future Land Use map of the 2018 Master Plan designates this parcel as Traditional Neighborhood, which calls for primarily single family residential uses, advocating for infill development that is consistency with surrounding uses. The request to rezone these parcels to R-1C is consistent with the Traditional Neighborhood place type.
- Goals in the Master Plan include the adjusting of land use regulations to match the changing character and community needs as promoting infill residential development and rehab in existing residential neighborhoods. The rezoning of these parcels will meet both of these goals. The current zoning of C-3 would allow uses that are not appropriate nor harmonious within a residential neighborhood. Additionally, the parcels are small in nature, the typical size of a single family residential parcel, and would severely limit the potential for commercial development. The current zoning prohibits residential uses, and therefore the opportunity the vacant parcels could be developed are slim. The two churches are considered legal non-conforming are would be permitted to continue use as a church until such time they change the use to something in accordance with the new zoning district.
- Bidwell Street and Foster Avenue are residential streets not built for high levels of traffic associated with uses allowed in a C-3 Intensive Business district.
- The existing infrastructure, including the size and availability of public water and sanitary sewer wouldn’t likely support a higher intensity land use allowed by the current zoning with new building codes requirements.

Therefore, based on the above findings planning staff recommends that the Planning Commission recommend to the City Commission approval of the petition Z-03-19, request for rezoning of parcels at the intersection of Bidwell and Foster Streets, including 85, 86, 94 W. Bidwell, and Parcel #8260.00.061.0 (formerly 77/79 Bidwell), and 8260.00.057.0 (formerly 93 W. Bidwell) from the C-3 Intensive Business District to the R-1C Single Family Residential District.

Attachments

The following information is attached and made part of this Staff report: Neighborhood Planning Council request for rezoning.

A Motion voted on at our NPC 3 Meeting

f4cynd7293@gmail.com <f4cynd7293@gmail.com>

Thu 11/14/2019 9:22 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>; f4cynd7293@gmail.com <f4cynd7293@gmail.com>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Motion by Robert Kist 2nd Tim Marske that the Planning/Zoning Department expedite the rezoning of the corner of Bidwell and Foster Streets from intensive Commercial (that was from when it was the Battle Creek Township and had some businesses there)

To Neighborhood Commercial.

Approved

This came after discussion brought up by concerned residents of the area after the sale of the Church at the corner of above Streets; and, the business that wants to go in the space.

Cynde Foster

Neighborhood Planning Council 3 Secretary

Sent from [Mail](#) for Windows 10